

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201809275	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/05/2018 10:05 PM	Location of Incident: 883 Flatbush Avenue	Precinct: 70	18 Mo. SOL 5/5/2020	EO SOL 12/20/2020	
Date/Time CV Reported Wed, 11/07/2018 6:41 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 11/07/2018 6:41 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Pierre	02499	962014	070 PCT
2. POF Patricia Ennis	24053	961743	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Patricia Ennis	Abuse: Police Officer Patricia Ennis threatened to forcibly remove § 87(2)(b) to the hospital.	
B.POM Christophe Pierre	Off. Language: Police Officer Christopher Pierre made a remark to § 87(2)(b) based upon her perceived mental disability.	

Case Summary

On November 7, 2018, § 87(2)(b) filed this complaint on the CCRB's website.

On November 5, 2018 at approximately 10:05PM, § 87(2)(b) called 911 and reported that the security guard at the Chase Bank, located at 883 Flatbush Avenue in Brooklyn, was harassing her. Police Officers Christopher Pierre and Patricia Ennis, of the 70th Precinct, responded. PO Ennis threatened to send § 87(2)(b) to the hospital (**Allegation A- Abuse of Authority: § 87(2)(g)**) PO Pierre told § 87(2)(b) that she sounded "like an EDP" (**Allegation B- Offensive Language: § 87(2)(g)**). § 87(2)(b) was not arrested, summonsed, or forcibly removed to the hospital during this incident.

Video footage capturing this incident was obtained from Chase Bank, but as all of the allegations were verbal and the video did not have audio, it was not useful in assessing the merits of the allegations (Board Review 01). § 87(2)(b) provided an audio recording of the incident that she took with her cell phone (See Board Review 02 for the recording and Board Review 03 for the transcription).

Findings and Recommendations

Allegation A-Abuse of Authority: Police Officer Patricia Ennis threatened to forcibly remove § 87(2)(b) to the hospital.

Allegation B-Offensive Language: Police Officer Christopher Pierre made a remark to § 87(2)(b) based upon her perceived mental disability.

§ 87(2)(b) testified that she went to Chase Bank in order to withdraw money from the ATM (Board Review 04). Once inside, she saw a black male dressed in a security guard uniform; § 87(2)(b) did not believe that the male was an actual security guard but that he was posing as one. § 87(2)(b) believed that the security guard was following and harassing her. § 87(2)(b) called 911 to report this harassment. When PO Pierre and PO Ennis arrived at the bank, § 87(2)(b) told the officers that the security guard was following her. PO Pierre told § 87(2)(b) that the male was a security guard and that he could look at her if he wanted to do so. The security guard gave PO Pierre a look, which made § 87(2)(b) think that the security guard and PO Pierre were working against her. PO Ennis told § 87(2)(b) "I think you need to go to the hospital because I know who you are. It looks like you need to go to the hospital." § 87(2)(b) took this remark as a threat to take her to the hospital. § 87(2)(b) who is bipolar, has had problems in the past where officers take her to the hospital just because she has bipolar disorder. § 87(2)(b) then obtained the officers' business cards and left the bank.

At 1:20:40 in the surveillance footage obtained from Chase Bank, § 87(2)(b) is seen speaking to PO Pierre and PO Ennis. § 87(2)(b) is wearing a puffy winter coat, is barelegged, and is wearing sneakers.

§ 87(2)(b)'s audio recording captured the entirety of this incident. § 87(2)(b) began recording prior to the officers' arrival. § 87(2)(b) accuses the security officer of doing "favors" for a "clown ass nigga" and tells the security guard to stop showing her a ring. When PO Pierre and PO Ennis arrive, at the 5:43 mark in the recording, § 87(2)(b) tells them that she is being followed and that the security officer is harassing her by doing a favor for whoever is following her. § 87(2)(b) requested that the officers take a report for her in regards to the harassment. At 8:34 in the recording, PO Ennis asks § 87(2)(b) how the security officer was harassing her. § 87(2)(b) responds by saying, "I just told you! I'm being followed." PO Ennis says, "Do you want

to go to the hospital? Because if you don't lower your voice, that's where you're gonna get sent. I know exactly who you are. You wanna get sent to the hospital?" § 87(2)(b) told the officers, "You can't send me to the hospital because I'm trying to make a report." § 87(2)(b) then accused the officers of being a "part of what the fuck is going on." At 10:53 in the audio recording, § 87(2)(b) asks PO Pierre for his card. PO Pierre states that he can only give her his badge number. § 87(2)(b) stated, "As soon as you deal with me, as a person, and address me, you're supposed to give me your card." PO Pierre responded by saying, "To me, you sound like an EDP. On our end."

§ 87(2)(g)

Both officers stated that § 87(2)(b) is a "known EDP" in the 70th Precinct and that they have interacted with § 87(2)(b) multiple times in the past and that each time, § 87(2)(b) was removed to the hospital. PO Pierre stated that he has participated in removing § 87(2)(b) to the hospital approximately 15-20 times in a period of less than two years. PO Pierre stated that previously, § 87(2)(b) was removed to the hospital due to not taking her medication. Both officers testified that when they entered the vestibule, § 87(2)(b) appeared upset and stated that Chase Bank was following her and that the security guard was harassing her by staring at her. When PO Pierre told § 87(2)(b) that a report could not be taken, § 87(2)(b) raised her voice to the officers and then left the bank. Neither PO Pierre nor PO Ennis believed that § 87(2)(b) was a threat to others. PO Ennis and PO Pierre both testified that they asked § 87(2)(b) if she needed to go to the hospital because she was expressing paranoid thoughts that the entirety of Chase Bank was following her. § 87(2)(b) did not want to go to the hospital and left the bank, so the officers did not take her to the hospital.

PO Ennis also thought § 87(2)(b) may have needed to go to the hospital because her outfit was not appropriate for the cold winter night; § 87(2)(b) was dressed in a long winter coat but her legs were bare. § 87(2)(b) was also wearing flip flops. As PO Ennis has been to § 87(2)(b)'s apartment multiple times, she is aware that it is a long walk from the bank to her apartment. PO Ennis did not recall saying, "Do you want to go to the hospital? Because if you don't lower your voice, that's where you're going to get sent" to § 87(2)(b) but acknowledged making the remark after listening to the audio recording of the incident. PO Ennis stated that she made this remark because of § 87(2)(b)'s delusional accusations against Chase Bank.

PO Pierre stated that he believed that § 87(2)(b) was dressed in a hooded sweatshirt but he did not recall having any suspicion that § 87(2)(b) was not dressed warmly enough for the weather. PO Pierre believed that § 87(2)(b)'s behavior was "concerning" and that she was possibly a threat to herself because she was expressing delusional thoughts. PO Pierre stated that someone with delusional thoughts could possibly present safety concerns. When asked why, PO Pierre responded, "If you think that someone's chasing you, who knows? You may run into the streets or something." PO Pierre did not recall saying, "To me, you sound like an EDP" to § 87(2)(b) but acknowledged making the remark after listening to the audio recording. PO Pierre reiterated that § 87(2)(b) sounded like an EDP because of her delusional and paranoid thoughts.

Patrol Guide Procedure 221-13 states that officers are to safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance. An emotionally disturbed person is defined as a person who appears to be mentally ill or temporarily deranged and is conducting herself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (Board Review 07).

Patrol Guide Procedure 203-10 prohibits officers from using discourteous remarks regarding another person's disability (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- Police Officer Patricia Ennis has been a member of service for two years and this is the first case in which she is a subject officer.
- Police Officer Christopher Pierre has been a member of service for two years and this is the first case in which he is a subject officer.

Mediation, Criminal, and Civil Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- On March 26, 2019, a request was submitted to the Office of the Comptroller for any notice of claim filed in regards to this incident. The results of this request will be added to the case file upon receipt (Board Review 09).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] does not have any criminal convictions in New York State (Board Review 10).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date